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REMARKS

In response to the Office Action mailed on July 2, 2008, Applicants respectfully requests reconsideration. Claims 1, 5-16, 20-31 and 35-37 are pending in this Application. Claims 1, 16 and 31 are independent claims and the remaining claims are dependent claims. Applicants believe that the claims as presented are in condition for allowance. A notice to this affect is respectfully requested.

Claims 1, 5-16, 20-31 and 35-37 were rejected under **35 U.S.C. §103(a)** as being unpatentable over U.S. Patent Publication No. 2002/0006186 to Sanders (hereinafter Sanders) in view of U.S. Patent No. 7,099,438 to Rancu et.a l. (hereinafter Rancu) Applicants respectfully disagree with these contentions and assert that the present claimed invention is not anticipated by any disclosure in the Sanders reference.

The Examiner stated that Sanders and Rancu teach the same. Applicants respectfully disagree. A careful review of Sanders at paragraph 53 reveals that Sanders teaches that bulk calling (load testing) is insufficient and therefore that functional test is necessary. Thus, Sanders teaches that two distinct tests are required (a load test and a functional test), and therefore Sanders teaches away from a test script that can be used for both load testing and functional testing, as well as monitoring testing. Sanders teaches away from the claimed invention, and teaching away is the antithesis of suggesting the art teaches the same, which is a pre re demonstration of a lack of prima facie obviousness. Rancu also fails to disclose or suggest wherein the same test script is used for providing load testing, functional testing and monitoring testing.

Claim 1 recites that the test script is used to provide all of a functional test, a load test and a monitoring test. Thus, the test script saves time and development cost by being configured such that the same test script is used to provide as all three types of tests. Since neither Sanders nor Rancu, taken alone or in combination, disclose or suggest a **same** test script used for load testing,

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functional testing and monitoring testing, claim 1 is believed allowable. Claims 16 and 31 are believed allowable for at least the same reasons as claim 1. If the Examiner is to maintain this rejection, he is asked to point out in particular where in the prior art it is described that the same test script is used to provide a functional test, a load test, **and** a monitoring test. In other words, the same test script is used for all three type of tests, not a single test script for one type of test and another (different) test script for another type of test (as is the industry standard and stated by the Examiner on page 2, paragraph 3, line 7 which the Examiner states “..test script to provide a functional test **or** a load test **and/or** monitoring test...”(emphasis added).

Not only does the prior art fail to disclose or suggest a same test script used for load testing and functional testing and monitoring tests, Rancu also fails to teach monitor testing. The Examiner stated that Ranceu shows this at column 1, line 30 through column 2, line 19). Rancu teaches regression testing and endurance testing. Rancu does not teach monitoring testing, wherein the monitor test is run from time to time or continually while the contact center is in operation. Accordingly, claim 1 is believed allowable over the prior art. Claims 16 and 31 recite similar language as claim 1 and are believed allowable for at least the same reasons as claim 1. Claims 5-15, 17, 20-30 and 35-37 depend from claim s1, 16 or 31 and are believed allowable for at least the same reasons.

In view of the above, the Examiners rejections are believed to have been overcome, placing the pending claims in condition for allowance and reconsideration and allowance thereof is respectfully requested.

Applicants hereby petitions for any extension of time, which is required to maintain the pendency of this case. If there is a fee occasioned by this response, including an extension fee that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 50-3735.

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If the enclosed papers or fees are considered incomplete, the Patent Office is respectfully requested to contact the undersigned collect at (508) 616-9660, in Westborough, Massachusetts.

Respectfully submitted,

/DWR/

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